

# Exhibit 14.06

United States' Motion to Enter Consent Decree,  
*United States v. Alden Leeds, Inc. et al.*, Civil Action No. 22-7326 (D.N.J.)

# EXHIBIT A-26

**Appendix A** to OxyChem's Comments in Opposition to Proposed Consent Decree,  
*United States v. Alden Leeds, Inc., et al.*, Civil Action No. 2:22-cv-07326 (D.N.J.)

FILE #: 07 - 14 - 93

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SOLID AND HAZARDOUS WASTE ENFORCEMENT

BUREAU: MS

GENERATOR INSPECTION REPORT

FACILITY INFORMATION

FACILITY NAME: Benjamin Moore & Co.

EPA ID NUMBER: NJDO02456242 CASE NUMBER: \_\_\_\_\_

STREET ADDRESS: 134 Lister Avenue

MUNICIPALITY: Newark COUNTY: Essex

MAILING ADDRESS: 134 Lister Avenue, Newark, N.J. 07105

TELEPHONE # 201-544-1200 FAX # 201-344-2716

BLOCK : \_\_\_\_\_ LOT : \_\_\_\_\_

FACILITY PERSONNEL: Charles J. Ilsey, Jr., Regulatory Affairs  
(name & title)

Chemist

Glen M. Cooper, Plant Operations Manager

INSPECTION DATE: 11-18-96, 11-22-96

INSPECTOR'S NAME & TITLE: Robert A. Agnew, Environmental Specialist

OTHER STATE/EPA PERSONNEL: \_\_\_\_\_

REPORT PREPARED BY: Robert A. Agnew

REVIEWED BY: [Signature] DATE OF REVIEW: 12-10-96

INSPECTION DATE(S): 11-19-96 11-22-96  
 TIME IN: 1300 0945  
 TIME OUT: 1430 1420

PHOTOS TAKEN: YES ( ) NO ( ) QUANTITY ( ) ATTACH PHOTO LOG

SAMPLES TAKEN: YES ( ) NO ( ) HOW MANY ( ) ATTACH SAMPLE LOG

SITE BACKGROUND INFORMATION

# EMPLOYEES: 190 SHIFTS/WEEK: 2.5/week

DATE OPERATIONS BEGUN: 1927 SIC CODE: 2851

# ACRES: 17 # OF BUILDINGS/SQFT: App. 32,000 Production Bld.

PRODUCTS PRODUCED: Batch Production of Paints

PREVIOUS OPERATIONS AT SITE: Listers Agricultural Chemicals

NON-HW. TANKS ON SITE: "See site diagram"  
 (provide a list of tanks, location, and capacities)

AIR PERMITS: Air inspection in Oct. 96 AR-05067

NJPDES PERMITS: SW6 A-006789

UIC PERMIT: — POTABLE WATER ID. NUMBER: —

WELL DIVERSION PERMIT(>100,000 gal/day): N/A

WELLS ON SITE: None

PERMITS OTHER: (MUA) 352 ISRA CASE NUMBER: —

BUST REGISTRATION #: N/A

COPY OF LAST YEARS RIGHT TO KNOW SURVEY ON SITE? ✓

COPY OF LAST YEARS FORM "R" SURVEY ON SITE? Annual Report

DOES THE FACILITY HAVE A POLLUTION PREVENTION PLAN? ✓

WATER SUPPLY-PUBLIC: Newark WELL: —

SOLID WASTE-POTW: Newark SEPTIC: —

FLOOR DRAINS: None DISCHARGE TO: —

INSPECTION & GENERAL FACILITY DESCRIPTION & OPERATIONS

On 11-19-96 and 11-22-96 a RCRA generator inspection was conducted for Benjamin Moore & Co. located at 134 Lister Avenue in Newark N.J. This inspector spoke with Charles J. Ilsley, Jr., regulatory Affairs Chemist and Glenn M. Cooper, Plant Operations Manager. Benjamin Moore & Co. began operations at the Newark facility in 1927. The facility specializes in batch production of water based and oil based paints. Currently, over eighty five percent of the paint manufactured at the facility is water based.

A site tour was conducted with both facility representatives. The facility property is approximately 17 acres in size. The facility's production building has three stories and has approximately 96,000 square feet of floor space. Production begins on the third floor. Water is mixed with pigment and latex resins. The mixture is then dropped to the second floor for thin down processing. Surfactants and defoamers are added to the process. Depending on the product line. Titanium dioxide slurry may be added to the batch. Oil based paints are blended with mineral spirits in the mixing process. Titanium dioxide is only used in the water based process. After blending the paint is fed from the blending tanks to holding tanks on the second floor. The facility has 61 batch blending tanks and several smaller vats for blending special order paints. The filling lines are located on the first floor. There are three one gallon, one two gallon and one one quart, filling lines.

The facility uses a distillation unit to recover mineral spirits used in the tank and vat cleaning processes. Spent/byproduct mineral spirits is stored in totes until it can be distilled. Additionally, there are two parts washers in the QC lab that use odorless mineral spirits. All spent and byproduct mineral spirits are recovered and reused in product manufacturing. Product retain samples are also reused if possible.

The facility has several above ground storage tanks for paint additives such as, vinyl acetate, xzytol, titanium dioxide and butyl acetate. There are no hazardous waste storage tanks on site.

There are several storage areas for raw materials, product paints and new empty paint containers. Product loading areas include building # 8 and building # 4, tank trailer loading area. Titanium dioxide slurry is delivered to the facility by rail. (Facility diagram is attached).

The facility currently generates two hazardous waste streams. Waste oil/mineral spirit based paints are classified as D001 waste. Caustic solution (sodium hydroxide) also used for process tank cleaning is classified as D002 waste. Waste latex paint related materials are classified as X900 waste.

The following waste was found in the facilities waste storage area.

- 35-55 gallon drums of latex paint waste (X900).
- 4- 55 gallon drums of oil/mineral spirit based paint waste (D001).

All hazardous waste drums were labeled and displayed accumulation start dates. Currently, all hazardous wastes are shipped to North East Chemical Corp. in Cleveland, Ohio. Non hazardous latex waste is shipped to the East Liverpool landfill in Warren, Ohio. (Copy of shipping paper is attached).

55 manifests and associated LDR notifications were reviewed during the inspection. No discrepancies were noted. (Copy of manifest is attached).

Contingency plan, training and preparedness and prevention requirements were reviewed. No discrepancies were noted.

The facility was also inspected for multi media requirements. The facility has air permits for storage tanks and process area vents. (APC Plant ID # 05067). A listing of air permits is attached. The facility has a storm water permit. (SWG A-006789). They also have a sewer connection permit with the City of Newark. (Permit # 352). The facility reports that there are no underground storage tanks on site.

DFWE 29  
REV 02/22/93

**SUMMARY OF FINDINGS**

Benjamin Moore & Co. was previously inspected on 9-7-94 and 4-13-92. No violations were cited on the last inspection.

**SUMMARY OF VIOLATIONS**

" No violations were noted".



## HAZARDOUS WASTE INVENTORY

[illegible]





CHECK THE SECTIONS AND ACTIVITIES OF THIS REPORT WHICH ARE APPLICABLE TO THE FACILITY AND COMPLETE THOSE SECTIONS FOR THIS INSPECTION.

SECTIONS NOT APPLICABLE ARE NOT INCLUDED IN THE REPORT.

GENERATOR WASTE MANAGEMENT PRACTICES

#	SECTION	PAGE
1.	MULTI MEDIA CHECKLIST	7. <input checked="" type="checkbox"/>
2.	WASTE DETERMINATION	8. <input checked="" type="checkbox"/>
3.	GENERATOR STATUS	9. <input checked="" type="checkbox"/>
4.	SATELLITE STORAGE AREAS	10. <input type="checkbox"/>
5.	GENERATOR STORAGE AREAS	11. <input checked="" type="checkbox"/>
6.	GENERATOR ABOVE GROUND TANKS STORAGE AREAS	12. <input type="checkbox"/>
7.	WASTE OIL USAGE	13. <input checked="" type="checkbox"/>
8.	WASTE MANAGEMENT PRACTICES	14. <input checked="" type="checkbox"/>
9.	GENERATOR MANIFESTS	15. <input checked="" type="checkbox"/>
10.	HAZARDOUS WASTE EXPORTATION	17. <input type="checkbox"/>
11.	CONTINGENCY PLAN & EMERGENCY PROCEDURES	19. <input checked="" type="checkbox"/>
12.	PERSONNEL TRAINING	21. <input checked="" type="checkbox"/>
13.	PREPAREDNESS & PREVENTION	23. <input checked="" type="checkbox"/>
14.	WASTE WATER TREATMENT PLANT QUALIFICATION	24. <input type="checkbox"/>

SECTION 1MULTI MEDIA INSPECTION CHECKLIST

THE FOLLOWING CHECKED AREAS OF CONCERN WERE IDENTIFIED. EACH APPROPRIATE SECTION OF THE MULTIMEDIA CHECKLIST WAS COMPLETED AND IS INCLUDED IN THE REPORT.

- | #   | <u>SECTION</u>   |       |
|-----|--|-------|
| 1.  | <u>AIR POLLUTION CONTROL</u>   | _____ |
| 2.  | <u>WATER POLLUTION CONTROL</u>   | _____ |
| 3.  | <u>UNDERGROUND STORAGE TANKS</u>   | _____ |
| 4.  | <u>TOXIC SUBSTANCES CONTROL ACT (TSCA)</u>   | _____ |
| 5.  | <u>EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW</u>  | _____ |
| 6.  | <u>SPILL PREVENTION (DISCHARGE PREVENTION), CONTROL, AND COUNTERMEASURES (SPCC &amp; DPCC) PLANS</u> | _____ |
| 7.  | <u>WETLANDS</u>  | _____ |
| 8.  | <u>ISRA (FORMERLY ECRA)</u>  | _____ |
| 9.  | <u>SPILL ACT</u>   | _____ |
| 10. | <u>OSHA PROGRAMS &amp; TRAINING REQUIREMENTS</u>   | _____ |

*"No Areas of concern were noted"*





## SECTION 4

## SATELLITE ACCUMULATION AREAS

IS THE FACILITY IN COMPLIANCE WITH THE SATELLITE ACCUMULATION REGULATIONS?

YES NO

☒ ☐

IF NO, CHECK THE ITEMS OF NONCOMPLIANCE.

N.J.A.C.

7:26G-6.1(a) -

262.34(c) (1) Quantity of waste EXCEEDS 55 gal. or 1 qt. of acutely hazardous waste. ☐

262.34(c) (1)(i) Containers NOT in good condition (Failed to meet the standards of 265.171 Container requirements). ☐

Container leaking. ☐

265.172 Container made of incompatible material. ☐

265.173(a) Container not kept securely closed. ☐

262.34(c) (1) Accumulation area is: ☐

NOT at or near a point of generation. ☐

NOT under the control of the operator. ☐

262.34(c) (1)(ii) Containers NOT marked "Hazardous waste" or With other words which identify the waste. ☐

262.34(c) (2) Containers NOT marked with date when filled. ☐

262.34(c) (1) Containers NOT moved from satellite area within three days. ☐

## COMMENTS

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## SECTION 5

## LARGE QUANTITY GENERATOR CONTAINER ACCUMULATION AREAS

YES NO

IS THE FACILITY IN COMPLIANCE WITH THE GENERATOR STORAGE REGULATIONS?

  /         

IF NO, CHECK THE ITEMS OF NONCOMPLIANCE.

N.J.A.C.

7:26G-6.1(a)

262.31	<u>NO</u> manifest number on containers ready for disposal.	_____ *
263.30	Containers <u>FAILED</u> to meet DOT regulations. (49 CFR 171.179) specs for packaging/labeling.	_____
Waste <u>ACCUMULATED</u> OVER		
262.34(a)	90 DAYS FOR L. Q. G. Containers <u>NOT</u> marked:	
262.34(b)	With accumulation start date	_____
262.34(a)	(3) OR THE WORDS "Hazardous Waste".	_____
262.34(a)	(1)(i) Containers <u>NOT</u> of adequate construction.	_____
262.34(a)	(1)(i) Closures <u>NOT</u> of sufficient strength.	_____
262.34(a)	(1)(i) Containers <u>NOT</u> in good condition/owner <u>FAILED</u> to transfer.	_____
262.34(a)	(1)(i) Containers <u>NOT</u> compatible with waste.	_____
262.34(a)	(1)(i) Containers <u>NOT</u> kept closed.	_____
262.34(a)	(1)(i) Containers <u>NOT</u> managed properly to prevent rupture/leak.	_____
262.34(a)	(1)(i) Incompatible hazardous wastes <u>NOT</u> segregated.	_____
262.34(a)	(2) ID Labels <u>NOT</u> visible.	_____
262.34(a)	(2) Accumulation area <u>NOT</u> inspected weekly.	_____
262.34(a)	(2) Containers of ignitable and reactive wastes. <u>NOT</u> located at least 50 feet from the facility's property line.	_____
262.34(a)	(4) Access to communication or alarm system is <u>NOT</u> maintained.	_____
262.34(4)	<u>INADEQUATE</u> aisle space.	_____

SECTION 9  
GENERATOR MANIFESTS

IS THE FACILITY IN COMPLIANCE WITH THE GENERATOR MANIFEST REGULATIONS?  
(N.J.A.C. 7:26G - 262) (SUBPART B)

YES NO

✓

IF NO, CHECK THE ITEMS OF NONCOMPLIANCE

262.20(a) Generator FAILED to prepare a manifest before a generator transports, or offers for transportation, hazardous waste for offsite treatment, storage, or disposal, according to the instructions included on the back of the manifest form.

**Note:** Items A-K of the manifest shall be completed even if the instructions of an out-of-state manifest does not address the shaded portions.

262.20(a) Generator FAILED to include the following information on a manifest:

Generator's name, mailing address, site address, and phone number

Generator's EPA I.D. number

Transporter(s) name, phone number, or New Jersey registration number

Transporter(s) EPA I.D. number

Name, address and phone number of designated TSDF facility

TSDF's EPA I.D. number

Proper USDOT (49CFR Parts 171-177) description of waste

Special handling instructions, including DOT descriptions for NOS material & 2 major constituents, a 24 hour emergency number as per 49 CFR 172.201(d), or decal number.

Generator FAILED to complete Items A-K (shaded portions) of the manifest?

N.J.A.C. 7:26G-6.3 Generator FAILED to utilize the proper waste code(s) that accurately (formerly 7.4(a)4x) describe the shipment of hazardous waste, determined according to the waste "Hierarchy"

262.20(b) Generator FAILED to designate on the manifest one facility that is permitted to handle waste described on the manifest

262.20(c) Generator FAILED to designate one alternate facility in the event an emergency prevents the hazardous waste shipment from being delivered to primary designated facility.

262.40(a) Generator FAILED to retain copy of each manifest, in accordance with 262.23(a) for three (3) years, or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained onsite for at least three (3) years from the date the waste was accepted by the initial transporter.

262.23(a) (1) Generator FAILED to sign the manifest certification by hand.

262.23(a) (2) Generator FAILED to obtain the handwritten signature of the initial transporter and date acceptance on the manifest.

262.23(a) (3) Generator FAILED to retain one copy of the manifest signed by the generator and the initial transporter, in accordance with 262.40.

262.23(b) Generator FAILED to give transporter the remaining copies of the manifest.



SECTION 9GENERATOR MANIFESTS (cont.)

- 262.23(c) Generator FAILED to send three (3) copies of the manifest dated and signed in accordance with this section to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Applicable for shipments of hazardous waste within the United States solely by water (bulk shipments only). (Copies of the manifest are NOT required for each transporter).
- 262.23(d) Generator FAILED to send at least three copies of the manifest dated and signed in accordance with this section, in regards to rail shipments of hazardous waste within the United States which originate at the site of generation, to:
- 262.23(d)1 The next non-rail transporter (if any); or,
- 262.23(d)2 The designated facility if transported solely by rail; or
- 262.23(d)3 The last rail transporter to handle the waste in the United States if the waste is exported.
- 262.23(e) Generator FAILED to assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility, in regards to shipments of hazardous waste to a designated facility in an authorized State which has not yet obtained authorization to regulate that particular waste as hazardous.
- 262.20(e) The requirements of this subpart (Subpart B-The Manifest) do not apply to hazardous waste produced by Generator's of greater than 100 kg, but less than 1,000 kg in a calendar month, if waste is reclaimed offsite. However, it shall still be considered a violation if Generator fails to meet any of the following requirements:
- 262.20(e)(1) Generator FAILED to have a contractual agreement(s) while having the hazardous waste reclaimed offsite (indicate in narrative section who Generator has contractual agreement with).
- 262.20(e)(1)(i) Generator FAILED to indicate the type of waste, and the frequency of shipments in their contractual agreement(s).
- 262.20(e)(1)(ii) Generator FAILED to utilize a vehicle owned, and operated by the reclaimer of the hazardous waste, used to transport the waste to the recycling facility and to deliver regenerated material back to the generator.
- 262.20(e)2 Generator FAILED to maintain a copy of their reclamation agreement onsite for a period of three (3) years after the termination or expiration of the agreement.

SECTION 5GENERATOR MANIFESTS (cont.)MANIFEST RECORD KEEPING & REPORTING

IS THE FACILITY IN COMPLIANCE WITH THE GENERATOR RECORD-KEEPING & REPORTING REGULATIONS?  
(N.J.A.C. 7:26G-262) YES ☒ NO ☐

IF NO, CHECK THE ITEMS OF NONCOMPLIANCE**262.40 RECORD KEEPING**

**262.40(a)** Generator FAILED to retain copy of each manifest, in accordance with 262.23(a) for three (3) years, or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained onsite for at least three (3) years from the date the waste was accepted by the initial transporter. \_\_\_\_\_

**262.40(b)** Generator FAILED to keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report. \_\_\_\_\_

**Note:** As per 262.40(d), the periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

**262.41 BIENNIAL REPORT.**

- 262.41(a)** Generator FAILED to prepare and submit a single copy to the Regional Administrator by March 1 of each even numbered year, when the facility shipped a hazardous waste offsite to a treatment, storage, or disposal facility within the United States. The Biennial Report must also cover Generator activities during the previous year. \_\_\_\_\_
- 262.41(a)** Generator FAILED to include the following information on a Biennial Report: \_\_\_\_\_
- 262.41(a)1** Generator's USEPA I.D. number, name, and address \_\_\_\_\_
- 262.41(a)2** Calendar year covered by the Biennial Report \_\_\_\_\_
- 262.41(a)3** USEPA ID number, name and address for each off-site TSDF used by Generator during the year. \_\_\_\_\_
- 262.41(a)4** USEPA I.D. number and name of each transporter used during the reporting year for shipments to TSDF'S. \_\_\_\_\_
- 262.41(a)5** The description, EPA hazardous waste number (from 40 CFR part 261, (subpart C or D), DOT hazardous class, and quantity of each hazardous waste shipped offsite for shipments to TSDF's (Information must be listed by USEPA I.D. number of each offsite TSDF to which waste was shipped). \_\_\_\_\_
- 262.41(a)6** Description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated. \_\_\_\_\_
- 262.41(a)7** Description of the changes in volume and toxicity of waste actually achieved during the year in comparison to the previous years. \_\_\_\_\_
- 262.41(a)8** The certification is signed by the Generator or authorized representative. \_\_\_\_\_
- 262.41(b)** Generator, who treats, stores, or disposes of hazardous waste onsite, FAILED To submit a Biennial Report covering those wastes in accordance with the provisions of 40 CFR parts 270, 264, 265, and 266. \_\_\_\_\_

SECTION 9GENERATOR MANIFESTS (cont.)

## 262.42 EXCEPTION REPORTING

- 262.42(a)1 Generator, of greater than 1000 kg of hazardous waste in a calendar month who has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter, FAILED to contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.
- 262.42(a)2 Generator, of greater than 1000 kg of hazardous waste in a calendar month FAILED to submit an Exception report to the Department when the facility has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.
- The Generators Exception Report failed to include:
- 262.42(a)(2)i A legible copy of the manifest for which the generator does not have confirmation of delivery.
- 262.42(a)(2)ii A cover letter, signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.
- 262.42(b) Generator, of greater than 100 kg but less than 1000 kg of hazardous waste in a calendar month, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date waste was accepted by the initial transporter FAILED to submit a legible copy of the manifest, with same indication that the generator has not received confirmation of delivery to the Department.

NOTE: The submission to DEP need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.

## 262.44 SPECIAL REQUIREMENTS FOR GENERATOR'S OF BETWEEN 100 AND 1000 KG/MONTH OF HAZARDOUS WASTE

NOTE: A Generator of greater than 100 kg but less than 1000 kg of hazardous waste in a calendar month is subject only to the following requirements under RECORD KEEPING & REPORTING:

- (a) Section 262.40(a) Retaining manifest copies onsite for 3 years
- 262.40(c) Retaining of test results/analysis for 3 years
- 262.40(d) Retention time extension's
- (b) Section 262.42(b) Exception reporting requirements
- (c) Section 262.43 Additional reporting

COMMENTS

## CONTINGENCY PLAN AND EMERGENCY PROCEDURES

IS THE FACILITY IN COMPLIANCE WITH THE CONTINGENCY PLAN & EMERGENCY PROCEDURES REGULATIONS?

YES NO

☒ ☐

IF NO, CHECK THE ITEMS OF NONCOMPLIANCE.

- 265.51(a) NO written contingency plan. \_\_\_\_\_
- 265.51(b) Generator FAILED to implement the plan in an emergency. \_\_\_\_\_
- 265.52(a) Plan FAILED to describe the response actions facility personnel and local authorities shall take. \_\_\_\_\_
- 265.52(b) Generator has a DPCC or SPCC Plan and FAILED to amend that plan to incorporate hazardous waste management. \_\_\_\_\_
- 265.52(c) Plan FAILS to describe arrangements agreed to by local authorities. \_\_\_\_\_
- 265.52(d) Plan FAILS to list names, addresses, and phone numbers (office and home) of emergency coordinators. \_\_\_\_\_
- 265.52(e) Plan FAILS to include a list, location, AND CAPABILITIES of all emergency equipment. \_\_\_\_\_
- 265.52(f) Plan FAILS to describe evacuation procedures, evacuation signal(s) AND routes. \_\_\_\_\_
- Generator FAILED to:
- 265.53(a) 1. Keep a copy of the plan at the facility. \_\_\_\_\_
- 265.53(b) 2. Submit the contingency plan to local authorities. \_\_\_\_\_
- 265.54 Generator FAILED to revise the contingency plan when:
- (a). Applicable regulations are revised. \_\_\_\_\_
- (b). The plan fails. \_\_\_\_\_
- (c). The facility changes. \_\_\_\_\_
- (d). The Emergency Coordinator changes. \_\_\_\_\_
- (e). The emergency equipment changes. \_\_\_\_\_
- 265.55 Emergency coordinator NOT available. \_\_\_\_\_
- N.J.S.A. 58:10-23.11(c) There is a discharge of a hazardous substance. \_\_\_\_\_
- N.J.S.A. 58:10-23.11(e) Facility FAILED to report the discharge. \_\_\_\_\_

COMMENTS:

## SECTION 13

PERSONNEL TRAINING

	YES	NO
IS THE FACILITY IN COMPLIANCE WITH THE PERSONNEL TRAINING REGULATIONS?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
THE TRAINING PROGRAM UTILIZES CLASSROOM TRAINING?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ON THE JOB TRAINING?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOTH CLASSROOM &N THE JOB TRAINING?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IF NO, CHECK THE ITEMS OF NONCOMPLIANCE.		

- 264.16(a) (2) Training program NOT directed by a person trained in hazardous waste management procedures and, ☐
- 264.16(a) (3) NOT designed to ensure that facility personnel are able to respond effectively to emergencies. ☐
- 264.16(a) (3) Program FAILS to include the following emergency response procedures and equipment: ☐
- 264.16(a) (3) (i) Procedures for using facility emergency and monitoring equipment. ☐
- 264.16(a) (3) (ii) Key parameters for automatic waste feed cut-off systems. ☐
- 264.16(a) (3) (iii) Procedures for utilizing communications or alarm systems. ☐
- 264.16(a) (3) (iv) Response procedures for fires & explosions. ☐
- 264.16(a) (3) (v) Ground water contamination response procedures. ☐
- 264.16(a) (3) (vi) Shutdown procedures. ☐
- 264.16(b) Personnel have NOT successfully completed training within six months of the date of their employment or assignment to a new position at the facility. ☐
- 264.16(b) Personnel work unsupervised before training program is completed. ☐
- 264.16(c) Personnel do NOT take part in an annual review of training. ☐
- 264.16(d) NO written documentation of the following: ☐
- 264.16(d) (1) Job title for each position and the name of the employee filling each job. ☐
- 264.16(d) (2) A written job description. ☐
- 264.16(d) (3) Description of the training given to personnel. ☐
- 264.16(d) (4) Documentation of actual training. ☐
- 264.16(e) Training records NOT kept. ☐

COMMENTS

## PREPAREDNESS AND PREVENTION

YES NO

IF NO, CHECK THE ITEMS OF NONCOMPLIANCE.

265.32 Facility FAILS to have:

265.32 (a) Communications or alarm system.

265.32(b) A telephone or device to summon emergency assistance.

265.32 (c) Portable emergency equipment.

265.32 (d) Adequate water supply.

265.33 Generator FAILED to test and maintain emergency equipment.

Generator FAILED to:

265.37(a)(1)Familiarize Police, fire departments, and emergency response teams with the layout of the facility, & hazardous waste handled.

265.37(a)(2) Have an agreement designating primary emergency authority to a specific police and fire department where more than one Police and fire department are involved.

265.37(a)(3) Make agreements with emergency response contractors, and equipment supplier.

265.37(a)(4) Make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries result from fires, explosions, or discharges at the facility.

265.37(b) Document when authorities identified in (f)1 through 5 above declined to enter into such arrangements.

### COMMENTS